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E-2557

In re Application of:

Peter V. Radatti

U.S. Patent Application Serial No.: 10/655,387

Filed: April 6, 2004

For: APPARATUS AND METHODS FOR INTERCEPTING, EXAMINING  
AND CONTROLLING CODE, DATA AND FILES AND THEIR TRANSFER  
IN INSTANT MESSAGING AND PEER-TO-PEER APPLICATION

Examining Attorney: Michael J. Pyzocha

Law Office:

Commissioner of Patents

P.O. Box 1450

Arlington, VA 22202-3513

SIR:

CERTIFICATE OF FIRST-CLASS MAILING - PATENTS

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States Postal Service as first-class postage-prepaid mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Date:

Frank J. Bonini, Jr.  
Reg. No. 35,452

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper and during this pendency of this application to Account 05-0208.

Date:

Frank J. Bonini, Jr.  
Reg. No. 35,452

PETITION TO REVIVE

In response to the Notice of Abandonment (copy enclosed) dated January 1, 2006, it is respectfully petitioned that the above-captioned application be revived. The entire delay in filing a response to the outstanding Official Action was unintentional.

11/14/2006 SLUANG1 00000014 10655387

01 FC:2453

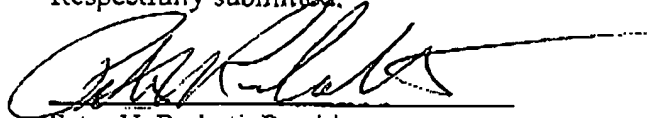
750.00 OP

E-2557

A response to the outstanding Official Action is submitted herewith.

A check in the amount of \$750.00 for the petition fee is also submitted  
herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter V. Radatti", written over a horizontal line.

Peter V. Radatti, President  
CyberSoft, Inc.  
1508 Butler Pike  
Conshohocken, Pa 19428

Date: 6 NOVEMBER 2006



### Notice of Abandonment

Application No.

10/655,387

Examiner

Michael Pyzocha

Applicant(s)

RADATTI, PETER V.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 May 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Joseph Chovanes stated, in a phone conversation on 1/23/2006, that the case was unintentionally abandoned.

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attorney Docket No. E-2557

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Examining Attorney: Michael J. Pyzocha

Law Office:

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States Postal Service as first-class, postage-prepaid mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date

11/08/06

Frank J. Bonini, Jr.  
Reg. No. 35,452

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper and during the pendency of this application to Account No. 05-0208.

Date

11/08/06

Frank J. Bonini, Jr.  
Reg. No. 35,452

TRANSMITTAL LETTER

Transmitted for filing in the above application matter are:

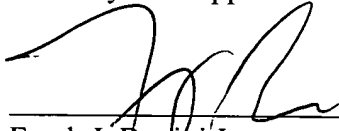
1. 2 page Petition to Revoke
2. Copy of Notice of Abandonment

3. 11 Page Response
4. A check in the amount of \$750.00
5. A post card to stamped and returned.

The Commissioner is authorized to charge any additional fees, including the Petition fee, and any fees for extensions that may be due, which may be required to Patent Office Deposit Account No. 05-0208.

If further matters remain, you are invited to telephone the Applicant's undersigned representative.

Respectfully submitted,  
Harding, Earley, Follmer & Frailey  
Attorneys for Applicant



Frank J. Bonini Jr.  
Registration No. 35,452  
P.O. Box 750  
Valley Forge, PA 19482-0750  
Telephone: 610-935-2300

Date: 11/08/06